

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAROK

CRIMINAL CASE NO. 1 OF 2017

REPUBLIC.....PROSECUTOR

-VERSUS-

LEONARD CHERUIYOT CHEPKWONY.....ACCUSED

JUDGEMENT ON SENTENCE

1. The accused was convicted of manslaughter on 10/4/2018 and the issue before me is in respect of sentence.
2. The prosecutor stated that the accused may be treated as a first offender.
3. In mitigation, Mr. Kiptoo urged the court to impose a non-custodial sentence upon the accused for the following reasons. The accused is a married person with three children aged 11,7 and 4 years. He has old parents aged 60 years, who were dependent on him.
4. The family of the accused has disintegrated following the commission of this offence and does not know their whereabouts. He is desirous of tracing them if he is sentenced to a non-custodial sentence.
5. Furthermore, the accused has been in custody since December 2016.
6. I have considered the mitigating factors. I have also considered that the accused is a first offender and has been in custody since December 2016.
7. Furthermore, I have also taken into account that a life has been lost. I have also taken into account that both, the accused and deceased were herdsmen at Suswa holding ground at the material time. Finally, I have taken into account that the accused inflicted a fatal chest wound following a disagreement between them that turned fatally violent.
8. After taking into account all the foregoing matters, I hereby sentence the accused to eight years imprisonment.

Judgement delivered on this 17th day of May, 2018 in the presence of Ms. Nyaroita for the state and Mr. Kiptoo for the accused.

J. M. Bwonwonga

Judge

17/5/2018